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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,797	11/03/2003	Glen Van Datta	450133-04881	6263
20999 7590 09/28/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MEHRMANESH, ELMIRA	
			ART UNIT 2113	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,797	Applicant(s) DATTA ET AL.	
	Examiner Elmira Mehrmanesh	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,20,21,24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28 is/are allowed.
- 6) ☒ Claim(s) 1,4-17,20,21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to an amendment filed on June 26, 2007 for the application of Datta et al., for a "Violations in a peer-to-peer relay network" filed November 3, 2003.

Claims 1, 4-17, 20-21, 24 and 26-28 are pending in the application.

Claims 1, 4, 17 and 21 have been amended.

Claims 2, 3, 18, 19, 22, 23 and 25 have been cancelled.

Claims 1, 4-8, 10-13, 16, 17, 20, 21 and 24 are rejected under 35 USC § 102.

Claims 9, 14 and 15 are rejected under 35 USC § 103.

Claims 26-28 are allowed.

Claim Objections

In view of the amendment to claim 21, the previous objection has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8, 10-13, 16, 17, 20, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Feltin et al. (U.S. PGPub No. 20030126245).

As per claim 1, Feltin discloses a method of detecting and recovering from violations in a peer-to-peer relay network (page 12, paragraph [0214]) comprising:

receiving a first message having first content data at a receiving peer system from a first sending peer system connected to said peer system in a peer-to-peer relay network; detecting a manipulation of data in said received first message, said manipulation of data changing the outcome of processing by the receiving peer system (page 12, paragraph [0214])

receiving a second message having second content data at the receiving peer system from at least one second sending peer system, wherein the second content data are expected to be substantially the same as the first content data (page 13, paragraph [0238], lines 1-3, *identical message*)

wherein detecting the manipulation includes:

comparing by the receiving peer system the received first content to the received second content data; and determining that the message from the first sending peer system is different from at least one of the second messages based on the comparison (page 13, paragraph [0238])

and sending a manipulated data alert message to other peer systems connected to said peer system in said peer-to-peer relay network the manipulated data alert message identifying the sending peer responsible for the manipulation of data (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 4, Feltin discloses a method of detecting and recovering from a cheating violation in a peer-to-peer relay network (page 17, paragraph [0309]), comprising:

receiving a first message having first content data at a receiving peer system from a first sending peer system connected to said peer system in a peer-to-peer relay network; detecting a manipulation of data in said received first message, said manipulation of data changing the outcome of processing by the receiving peer system (page 12, paragraph [0214])

wherein detecting said cheating violation includes:

generating predicted data (page 19, paragraph [0325])

comparing by the receiving peer system said message from said sending peer system with said predicted data; and determining that said message from said sending peer system is different from said predicted data (page 19, paragraph [0326])

and sending a manipulated data alert message to other peer systems connected to said peer system in said peer-to-peer relay network the manipulated data alert message identifying the sending peer responsible for the manipulation of data (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 5, Feltin discloses sending said predicted data to each other peer system connected to said peer system in said peer-to-peer relay network (page 19, paragraph [0324] and [0325]).

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As per claim 6, Feltin discloses a method of detecting and recovering from a security violation in a peer-to-peer relay network (col. 4, lines 31-36, *Frame Relay frames*), comprising:

receiving a message having content data at a receiving peer system from a sending peer system connected to said peer system in a peer-to-peer relay network; detecting a security violation in said received first message, said manipulation of data changing the outcome of processing by the receiving peer system (page 12, paragraph [0214])

and sending a manipulated data alert message to other peer systems connected to said peer system in said peer-to-peer relay network the manipulated data alert message identifying the sending peer responsible for the manipulation of data (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 7, Feltin discloses detecting said security violation includes detecting invalid data in said message (page 12, paragraph [0214]).

As per claim 8, Feltin discloses detecting said security violation includes detecting said message was sent using improper sending procedures (page 13, paragraph [0238]).

As per claim 10, Feltin discloses ignoring further messages sent by said sending peer system (page 13, paragraph [0241]).

As per claim 11, Feltin discloses causing said sending peer system to disconnect from said peer-to-peer relay network (page 13, paragraph [0241]).

As per claim 12, Feltin discloses sending said manipulated data alert message to a server connected to said peer system (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 13, Feltin discloses the data relayed by peer systems is update data for a network environment (page 9, paragraph [0165]).

As per claim 16, Feltin discloses at least two peer systems are connected through the Internet (page 9, paragraph [0165]).

As per claim 17, Feltin discloses a receiving peer system in a peer-to-peer relay network, comprising:

means for receiving a first message having first content data at a receiving peer system from a first sending peer system connected to said peer system in a peer-to-peer relay network; means for detecting a manipulation of data in said received first message, said manipulation of data changing the outcome of processing by the receiving peer system (page 12, paragraph [0214])

means for receiving a second message having second content data at the receiving peer system from at least one second sending peer system, wherein the

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second content data are expected to be substantially the same as the first content data (page 13, paragraph [0238], lines 1-3, *identical message*)

wherein detecting the manipulation includes:

comparing by the receiving peer system the received first content to the received second content data; and determining that the message from the first sending peer system is different from at least one of the second messages based on the comparison (page 13, paragraph [0238])

and sending a manipulated data alert message to other peer systems connected to said peer system in said peer-to-peer relay network the manipulated data alert message identifying the sending peer responsible for the manipulation of data (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 20, Feltin discloses sending said manipulated data alert message to a server connected to said peer system (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 21, Feltin discloses a computer-readable medium storing a computer-readable program that when executed on a processor causes the processor to execute a method in a peer system of a peer-to-peer relay network (page 6, paragraph [0111]) the method comprising the steps of:

receiving a first message having first content data at a receiving peer system from a first sending peer system connected to said peer system in a relay network;

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detecting a manipulation of data in said received first message, said manipulation of data changing the outcome of processing by the receiving peer system (page 12, paragraph [0214])

receiving a second message having second content data at the receiving peer system from at least one second sending peer system, wherein the second content data are expected to be substantially the same as the first content data (page 13, paragraph [0238], lines 1-3, *identical message*)

wherein detecting the manipulation includes:

comparing by the receiving peer system the received first content to the received second content data; and determining that the message from the first sending peer system is different from at least one of the second messages based on the comparison (page 13, paragraph [0238])

and sending a manipulated data alert message to other peer systems connected to said peer system in said peer-to-peer relay network the manipulated data alert message identifying the sending peer responsible for the manipulation of data (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

As per claim 24, Feltin discloses sending said manipulated data alert message to a server connected to said peer system (page 13, paragraph [0239], lines 1-4, *LIAR alert*).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feltin et al. (U.S. PGPub No. 20030126245) in view of Yeager et al. (U.S. PGPub No. 20030028585).

As per claim 9, Feltin discloses user misbehaviors and cheating violations (page 17, paragraph [0309]). However Feltin fails to explicitly disclose denial of service attacks.

Yeager teaches: said message was sent as part of denial of service attack (page 24, paragraph [0292], lines 6-10).

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It would have been obvious to one of ordinary skill in the art at the time the invention to use the network trust mechanism of Yeager et al.'s in combination with the Computer network architecture of Feltin et al. to provide a secure network.

One of ordinary skill in the art at the time the invention would have been motivated to make the combination because both inventions disclose user misbehaviors (Feltin, page 17, paragraph [0309]) and (Yeager, page 24, paragraph [0292]). Both inventions also disclose data manipulation (Feltin, page 13, paragraph [0241]) and (Yeager, page 10, paragraph [0115]). Denial of service attacks are a form of user misbehaviors by data manipulation (Yeager, page 10, paragraph [0115]).

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feltin et al. (U.S. PGPub No. 20030126245) in view of Baughman et al. (INFOCOM 2001. Twentieth Annual Joint Conference of the IEEE Computer and Communications Societies. Proceedings. IEEE, 22-26 April 2001) Entitled "Cheat-proof payout for centralized and distributed online games".

As per claim 14, Baughman discloses the data relayed by peer systems is update data for an online game (Fig. 4).

As per claim 15, Baughman discloses at least one peer system is a network-enabled game console (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention to use the method of providing cheat-proof payout for online games of Baughman et al.'s in combination with the Computer network architecture of Feltin et al. to provide a secure network.

One of ordinary skill in the art at the time the invention would have been motivated to make the combination because both inventions disclose a method of detecting a data violation in an online peer-to-peer system (Feltin, page 12, paragraph [0214]) and (Baughman, page 110, col. 2, lines 27-42). Feltin et al. discloses an online auction (Feltin, page 6, paragraph [0124]). Baughman et al.'s online gaming is similar to Feltin et al.'s online auction system.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

Applicant's arguments see pages 10-17, with respect to claims 26-28 have been fully considered and are persuasive. The previous rejection of claims 26-28 has been withdrawn.

In response to applicants arguments regarding claim 26, after a complete search of all the relevant prior art the examiner has determined the claims are in condition for allowance. The following limitations when viewed in combination with the remainder of the claim as a whole place this application in condition for allowance.

As per claim 26, the examiner finds the novel and non obvious feature of claim, when read as whole to be wherein detecting said manipulation includes: relaying back

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the sent first message to the sending peer by the receiving peer system; comparing by the sending peer of the relayed back message to the sent first message to identify a receiving peer responsible for the manipulation of data.

Feltin discloses jury peering in which all peers process each message and their results are compared to verify that there has been no tampering (page 12, paragraph [0214]). However Feltin does not teach relaying back the sent first message to the sending peer by the receiving peer system as recited in claim 26. Therefore, claim 26 and its dependent claims are allowable over Feltin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 6, 17 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 26 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elmira Mehrmanesh whose telephone number is (571) 272-5531. The examiner can normally be reached on 8-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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